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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,531	05/16/2001	Isamu Yamane	040405/0338	9773

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FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
QUINONES, ISMAEL C	

ART UNIT	PAPER NUMBER
2686	8

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/855,531	YAMANE, ISAMU	
	Examiner	Art Unit	
	Ismael Quiñones	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,9-11,13,14 and 16-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7,9-11,14 and 16-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on April 13, 2004. **Claims 1-23** are now pending in the present application. **This Action is made NON-FINAL.**

Claim Objections

2. **Claim 21** is objected to because of the following informalities: Depending upon claim 3, which discloses a mobile communication system, instead of an incoming call blocking method which is disclosed in claim 7, therefore claim 21, should be dependent upon claim 7. Appropriate correction is required. For purpose of applying prior art claim 21 is being examined as dependent of claim 7.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Pat. No. 6,198,931) in view of Kondou et al. (U.S Pat. No. 6,434,479).

Regarding **claim 1**, Smith et al. disclose a mobile communication system which is comprised of a mobile terminal, a switchboard for controlling the connection of said mobile terminal and a plurality of base stations for relaying a radio signal with said mobile terminal to said switchboard (A controller, *item 112* such as a switchboard for means of controlling the communication links between the portable subscriber unit and the base stations; *col. 2, lines 37-47; Fig. 1*), wherein said switchboard comprising: average moving speed calculation unit which calculates a moving speed of said mobile terminal from the position information of said mobile terminal which is sent from said mobile terminal (The controller/switchboard cooperates with the portable subscriber unit/mobile terminal to compute the speed at which the portable subscriber unit/mobile terminal is moving, the calculation is performed by the processing system whose task is to process control transmittal/receiving messages; and subsequently recording said calculation in a memory space provided by said controller/switchboard; *col. 4, lines 23-27; col. 5, lines 19-21; col. 6, lines 56-59; Fig. 3, item 342; Fig. 6, Steps 602-606*); and incoming call blocking unit which blocks incoming calls to said mobile terminal when the moving speed of said mobile terminal calculated by said moving speed calculation unit exceeds a predetermined threshold (Negating communication means as within the controller/switchboard itself when the speed of the portable subscriber

unit/mobile terminal exceeds a predetermined threshold, otherwise routing said communications to the portable subscriber unit/mobile terminal; *col. 6, lines 56-61; col. 7, lines 6-8; col. 8, lines 10-19; Fig. 6, Step diagram*), Smith et al. fail to clearly specify wherein said mobile terminal sends the position information of said mobile terminal which said mobile terminal has received on the basis of a GPS signal from a global positioning system satellite to said switchboard periodically.

In the same field of endeavor, Kondou et al. disclose a mobile terminal and an information providing method and system wherein the mobile terminal sends or informs its position location information through the network the information server periodically (*col. 2, lines 31-56; col. 13, lines 40-59*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Smith et al. wireless communication system to periodically transmits position information for the purpose of receiving information in a real time basis when traveling into particular path.

Regarding **claim 3**, and as applied to claim 1, Smith et al. in view of Kondou et al. disclose the aforementioned mobile communication system. In addition Smith et al. discloses wherein said mobile terminal includes position information transmission unit which send the position information of said mobile terminal to said switchboard through said base stations (A location information processing program/ *item 226* placed in the portable subscriber unit/mobile terminal for programming the processing system to process location through well-known techniques in collaboration with the controller; *col. 4, lines 10-23*), and

said switchboard includes storage unit which stores the present and previous position information sent from said mobile terminal (A location context database for means of storing a plurality of locations such as current and previous location context; *col. 5, lines 14-17*). Furthermore in addition Kondou et al. disclose sending the position information of a mobile terminal to a controller/information server periodically (*col. 2, lines 31-56; col. 13, lines 40-59*).

Regarding **claim 4**, and as applied to claim 1, Smith et al. in view of Kondou et al. disclose the aforementioned mobile communication system. In addition Smith et al. disclose wherein said mobile terminal comprises position information obtaining unit which obtains position information of said mobile terminal according to a GPS signal from a global positioning system satellite, and position information transmission unit which sends the position information of said mobile terminal to said switchboard through said base stations (A GPS receiver/*item 234* coupled to the portable subscriber unit/mobile terminal processing system/*item 206* for means of determining the location of said subscriber/terminal through well-known techniques, subsequently sending such information pertaining location to the controller, and further indicating the location at which said subscriber/terminal is positioned; *col. 4, lines 27-32; col. 5, lines 36-42; Fig. 4, steps 402-204; Fig. 2, items 234 and 207*), said switchboard comprises storage unit which stores the present and previous position information sent from said mobile terminal (A location context database for means of storing a plurality of locations such as current and previous location context; *col. 5, lines 14-17*). Furthermore in addition Kondou et al. disclose sending the position

information to a mobile terminal periodically, subsequently conveying such periodically retrieved position information to a controller/information server periodically (*col. 2, lines 31-56; col. 13, lines 40-59*).

Regarding **claim 5**, and as applied to claim 1, Smith et al. in view of Kondou et al. disclose the aforementioned mobile communication system. In addition Smith et al. disclose wherein said mobile terminal comprises registration request transmission unit which sends a registration request of the radio zones where said mobile terminal is present now to said switchboard when said mobile terminal is moving among the radio zones of said base stations (RF signals transmitted by the portable subscriber unit to the base stations comprise responses that include unscheduled messages, such as registration requests; *col. 3, lines 7-12*), and said mobile terminal sends the position information for a predetermined period when the position registration request is sent by said position registration request transmission unit (A request typing program for programming the processing system to send an inbound request such as a RF signal transmitted by the portable subscriber unit to the base stations that comprise responses such as registration requests, wherein said request typing program resides within the portable subscriber unit/mobile terminal memory; *col. 4, lines 14-17; col. 6, lines 18-28; Fig. 5 steps 504 thru 510*).

Regarding **claim 6**, and as applied to claim 1, Smith et al. in view of Kondou et al. disclose the aforementioned mobile communication system. In addition Smith et al. disclose wherein said mobile terminal comprises position information obtaining unit which obtains position information of said mobile

terminal periodically according to a GPS signal from a global positioning system satellite, position information transmission unit which sends the position information of said mobile terminal to said switchboard through said base stations (A GPS receiver/*item 234* and a conventional clock/*item 207* for time keeping requirements such as periodic inbound/outbound messages, both coupled to the portable subscriber unit/mobile terminal processing system/*item 206* for means of determining the location of said subscriber/terminal through well-known techniques, subsequently sending such information pertaining location to the controller, and further indicating the location at which said subscriber/terminal is positioned; *col. 4, lines 27-32; col. 5, lines 36-42; Fig. 4, steps 402-204; Fig. 2, items 234 and 207*), and registration request transmission unit which sends a registration request of the radio zones where said mobile terminal is present now to said switchboard when said mobile terminal moves among the radio zones of said base stations (RF signals transmitted by the portable subscriber unit to the base stations comprise responses that include unscheduled messages, such as registration requests; *col. 3, lines 7-12*), and sends the position information for a predetermined period when the registration request is sent by said registration request transmission unit (A request typing program for programming the processing system to send an inbound request such as a RF signal transmitted by the portable subscriber unit to the base stations that comprise responses such as registration requests, wherein said request typing program resides within the portable subscriber unit/mobile terminal memory; *col. 4, lines 14-17; col. 6, lines 18-28; Fig. 5 steps 504 thru 510*).

Regarding **claim 7**, Smith et al. disclose an incoming call blocking method for a mobile communication system which is comprised of a mobile terminal, a switchboard for controlling the connection of said mobile terminal and a plurality of base stations which relay a radio signal with said mobile terminal to said switchboard (A controller, *item 112* such as a switchboard for means of controlling the communication links between the portable subscriber unit and the base stations; *col. 2, lines 37-47; Fig. 1*), comprising the following steps of: obtaining position information of said mobile terminal (determining location/position at which the portable subscriber unit is positioned; *col. 8, lines 3-5*); calculating a moving speed of said mobile terminal from the determined position information of said mobile terminal (computing portable subscriber unit moving speed once location is determined; *col. 8, lines 10-17*); and blocking incoming calls to said mobile terminal when the calculated moving speed of said mobile terminal exceeds a predetermined threshold (Negating communication means when the speed of the portable subscriber unit/mobile terminal exceeds a predetermined threshold, otherwise routing said communications to the portable subscriber unit/mobile terminal; *col. 6, lines 56-61; col. 7, lines 6-8; col. 8, lines 10-19; Fig. 6, Step diagram*),wherein position information of said mobile terminal is obtained according to a GPS signal from said global positioning system satellite, and the obtained position information of said mobile terminal is sent to said switchboard (A GPS receiver/*item 234* coupled to the portable subscriber unit/mobile terminal processing system/*item 206* for means of determining the location of said subscriber/terminal through well-known techniques, subsequently

sending such information pertaining location to the controller, and further indicating the location at which said subscriber/terminal is positioned; *col. 4, lines 27-32; col. 5, lines 36-42; Fig. 4, steps 402-204; Fig. 2, items 234 and 207*). Smith et al. fail to clearly specify wherein said mobile terminal sends the position information of said mobile terminal which said mobile terminal has received on the basis of a GPS signal from a global positioning system satellite to said switchboard periodically.

In the same field of endeavor, Kondou et al. disclose a mobile terminal and an information providing method and system wherein the mobile terminal sends or informs its position location information through the network the information server periodically (*col. 2, lines 31-56; col. 13, lines 40-59*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Smith et al. wireless communication system to periodically transmits position information for the purpose of receiving information in a real time basis when traveling into particular path.

Regarding **claim 9**, and as applied to claim 7, Smith et al. in view of Kondou et al. disclose the aforementioned incoming call blocking method for a mobile communication system. In addition Smith et al. disclose wherein said mobile terminal obtains a position of said mobile terminal periodically and sends the obtained position information of said mobile terminal to said switchboard (A location information processing program/ *item 226* placed in the portable subscriber unit/mobile terminal for programming the processing system to process location through well-known techniques in collaboration with the controller; *col.*

4, lines 10-23), said switchboard stores the position information from said mobile terminal (A location context database for means of storing a plurality of locations; *col. 5, lines 14-17*), and a moving speed of said mobile terminal is calculated from the stored position information of said mobile terminal (computing portable subscriber unit moving speed once location is determined; *col. 8, lines 10-17*). Furthermore in addition Kondou et al. disclose sending the position information of a mobile terminal to a controller/information server periodically (*col. 2, lines 31-56; col. 13, lines 40-59*).

Regarding **claim 10**, and as applied to claim 7, Smith et al. in view of Kondou et al. disclose the aforementioned incoming call blocking method for a mobile communication system. In addition Smith et al. disclose wherein said mobile terminal sends a registration request of the radio zones where said mobile terminal is present now to said base stations when said mobile terminal is moving among the radio zones of said base stations (RF signals transmitted by the portable subscriber unit to the base stations comprise responses that include unscheduled messages, such as registration requests; *col. 3, lines 7-12*), and said mobile terminal sends the position information for a predetermined period when said mobile terminal sends the registration request (A request typing program for programming the processing system to send an inbound request such as a RF signal transmitted by the portable subscriber unit to the base stations that comprise responses such as registration requests, wherein said request typing program resides within the portable subscriber unit/mobile terminal memory; *col. 4, lines 14-17; col. 6, lines 18-28; Fig. 5 steps 504 thru 510*).

Regarding **claim 11**, Smith et al. discloses a switchboard of a mobile communication system which is comprised of a mobile terminal, a switchboard for controlling the connection of said mobile terminal and a plurality of base stations for relaying a radio signal with said mobile terminal to said switchboard (A controller, *item 112* such as a switchboard for means of controlling the communication links between the portable subscriber unit and the base stations; *col. 2, lines 37-47; Fig. 1*), comprising: average moving speed calculation unit which calculates a moving speed of said mobile terminal from position information of said mobile terminal which is sent from said mobile terminal to said switchboard (The controller/switchboard cooperates with the portable subscriber unit/mobile terminal to compute the speed at which the portable subscriber unit/mobile terminal is moving, the calculation is performed by the processing system whose task is to process control transmittal/receiving messages; and subsequently recording said calculation in a memory space provided by said controller/switchboard; *col. 4, lines 23-27; col. 5, lines 19-21; col. 6, lines 56-59; Fig. 3, item 342; Fig. 6, Steps 602-606*); and incoming call blocking unit which blocks incoming calls to said mobile terminal when a moving speed of said mobile terminal calculated by said moving speed calculation unit exceeds a predetermined threshold (Negating communication means as within the controller/switchboard itself when the speed of the portable subscriber unit/mobile terminal exceeds a predetermined threshold, otherwise routing said communications to the portable subscriber unit/mobile terminal; *col. 6, lines 56-61; col. 7, lines 6-8; col. 8, lines 10-19; Fig. 6, Step diagram*), wherein said

switchboard receives the position information of said mobile terminal obtained according to a GPS signal from the global positioning system satellite (A GPS receiver/*item 234* coupled to the portable subscriber unit/mobile terminal processing system/*item 206* or as a relative preferred embodiment both residing in the controller; for means of determining the location of said subscriber/terminal through well-known techniques, subsequently sending such information pertaining location to the controller, and further indicating the location at which said subscriber/terminal is positioned; *col. 4, lines 27-32; col. 5, lines 36-42; Fig. 4, steps 402-204; Fig. 2, items 234 and 207; Figure 3, items 334 and 336*) and calculates a moving speed of said mobile terminal every time the position information is received (The controller/switchboard cooperates with the portable subscriber unit/mobile terminal to compute the speed at which the portable subscriber unit/mobile terminal is moving, the calculation is performed by the processing system whose task is to process control transmittal/receiving messages; and subsequently recording said calculation in a memory space provided by said controller/switchboard; *col. 4, lines 23-27; col. 5, lines 19-21; col. 6, lines 56-59; Fig. 3, item 342; Fig. 6, Steps 602-606*). Smith et al. fail to clearly specify wherein said mobile terminal sends the position information of said mobile terminal which said mobile terminal has received on the basis of a GPS signal from a global positioning system satellite to said switchboard periodically.

In the same field of endeavor, Kondou et al. disclose a mobile terminal and an information providing method and system wherein the mobile terminal

sends or informs its position location information through the network the information server periodically (*col. 2, lines 31-56; col. 13, lines 40-59*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Smith et al. wireless communication system to periodically transmits position information for the purpose of receiving information in a real time basis when traveling into particular path.

Regarding **claim 13**, and as applied to claim 11, Smith et al in view of Kondou et al. disclose the aforementioned switchboard of a mobile communication system. In addition Smith et al. disclose the above mentioned switchboard further comprising storage unit which stores the present and previous position information sent from said mobile terminal (A location context database for means of storing a plurality of locations such as current and previous location context; *col. 5, lines 14-17*).

Regarding **claim 14**, Smith et al. disclose a mobile communication system which is comprised of a mobile terminal, a switchboard for controlling the connection of said mobile terminal and a plurality of base stations for relaying a radio signal with said mobile terminal to said switchboard (A controller, *item 112* such as a switchboard for means of controlling the communication links between the portable subscriber unit and the base stations; *col. 2, lines 37-47; Fig. 1*), wherein said switchboard comprising: average moving speed calculation means for calculating a moving speed of said mobile terminal from the position information of said mobile terminal which is sent from said mobile terminal (The controller/switchboard cooperates with the portable subscriber unit/mobile

terminal to compute the speed at which the portable subscriber unit/mobile terminal is moving, the calculation is performed by the processing system whose task is to process control transmittal/receiving messages; and subsequently recording said calculation in a memory space provided by said controller/switchboard; *col. 4, lines 23-27; col. 5, lines 19-21; col. 6, lines 56-59; Fig. 3, item 342; Fig. 6, Steps 602-606*); and incoming call blocking means for blocking incoming calls to said mobile terminal when the moving speed of said mobile terminal calculated by said moving speed calculation means exceeds a predetermined threshold (Negating communication means as within the controller/switchboard itself when the speed of the portable subscriber unit/mobile terminal exceeds a predetermined threshold, otherwise routing said communications to the portable subscriber unit/mobile terminal; *col. 6, lines 56-61; col. 7, lines 6-8; col. 8, lines 10-19; Fig. 6, Step diagram*), wherein said mobile terminal sends the position information of said mobile terminal which said mobile terminal has received on the basis of a GPS signal from a global positioning system satellite to said switchboard (A GPS receiver/*item 234* coupled to the portable subscriber unit/mobile terminal processing system/*item 206* for means of determining the location of said subscriber/terminal through well-known techniques, subsequently sending such information pertaining location to the controller, and further indicating the location at which said subscriber/terminal is positioned; *col. 4, lines 27-32; col. 5, lines 36-42; Fig. 4, steps 402-204; Fig. 2, items 234 and 207*). Smith et al. fail to clearly specify wherein said mobile terminal sends the position information of said mobile terminal which said mobile

terminal has received on the basis of a GPS signal from a global positioning system satellite to said switchboard periodically.

In the same field of endeavor, Kondou et al. disclose a mobile terminal and an information providing method and system wherein the mobile terminal sends or informs its position location information through the network the information server periodically (*col. 2, lines 31-56; col. 13, lines 40-59*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Smith et al. wireless communication system to periodically transmits position information for the purpose of receiving information in a real time basis when traveling into particular path.

Regarding **claim 16**, and as applied to claim 14, Smith et al. in view of Kondou et al. disclose the aforementioned mobile communication system. In addition Smith et al. disclose wherein said mobile terminal includes position information transmission means for sending the position information of said mobile terminal to said switchboard through said base stations (A GPS receiver/*item 234* coupled to the portable subscriber unit/mobile terminal processing system/*item 206* for means of determining the location of said subscriber/terminal through well-known techniques, subsequently sending such information pertaining location to the controller, and further indicating the location at which said subscriber/terminal is positioned; *col. 4, lines 27-32; col. 5, lines 36-42; Fig. 4, steps 402-204; Fig. 2, items 234 and 207*), and said switchboard includes storage means for storing the present and previous position information sent from said mobile terminal (A location context database for

means of storing a plurality of locations such as current and previous location context; *col. 5, lines 14-17*). Furthermore in addition Kondou et al. disclose sending the position information of a mobile terminal to a controller/information server periodically (*col. 2, lines 31-56; col. 13, lines 40-59*).

Regarding **claim 17**, and as applied to claim 14, Smith et al. in view of Kondou et al. disclose the aforementioned mobile communication system. In addition Smith et al. disclose wherein said mobile terminal comprises position information obtaining means for obtaining position information of said mobile terminal according to a GPS signal from a global positioning system satellite, and position information transmission means for sending the position information of said mobile terminal to said switchboard through said base stations periodically (A GPS receiver/*item 234* coupled to the portable subscriber unit/mobile terminal processing system/*item 206* for means of determining the location of said subscriber/terminal through well-known techniques, subsequently sending such information pertaining location to the controller, and further indicating the location at which said subscriber/terminal is positioned; *col. 4, lines 27-32; col. 5, lines 36-42; Fig. 4, steps 402-204; Fig. 2, items 234 and 207*), said switchboard comprises storage means for storing the present and previous position information sent from said mobile terminal (A location context database for means of storing a plurality of locations such as current and previous location context; *col. 5, lines 14-17*). Furthermore in addition Kondou et al. disclose sending the position information of a mobile terminal to a controller/information server periodically (*col. 2, lines 31-56; col. 13, lines 40-59*).

Regarding **claim 18**, and as applied to claim 14, Smith et al. in view of Kondou et al. disclose the aforementioned mobile communication system. In addition Smith et al. disclose wherein said mobile terminal comprises registration request transmission means for sending a registration request of the radio zones where said mobile terminal is present now to said switchboard when said mobile terminal is moving among the radio zones of said base stations (RF signals transmitted by the portable subscriber unit to the base stations comprise responses that include unscheduled messages, such as registration requests; *col. 3, lines 7-12*), and said mobile terminal sends the position information for a predetermined period when the position registration request is sent by said position registration request transmission means (A request typing program for programming the processing system to send an inbound request such as a RF signal transmitted by the portable subscriber unit to the base stations that comprise responses such as registration requests, wherein said request typing program resides within the portable subscriber unit/mobile terminal memory; *col. 4, lines 14-17; col. 6, lines 18-28; Fig. 5 steps 504 thru 510*).

Regarding **claim 19**, and as applied to claim 14, Smith et al. in view of Kondou et al. disclose the aforementioned mobile communication system. In addition Smith et al. disclose wherein said mobile terminal comprises position information obtaining means for obtaining position information of said mobile terminal periodically according to a GPS signal from a global positioning system satellite, position information transmission means for sending the position information of said mobile terminal to said switchboard through said base stations

(A GPS receiver/*item 234* and a conventional clock/*item 207* for time keeping requirements such as periodic inbound/outbound messages, both coupled to the portable subscriber unit/mobile terminal processing system/*item 206* for means of determining the location of said subscriber/terminal through well-known techniques, subsequently sending such information pertaining location to the controller, and further indicating the location at which said subscriber/terminal is positioned; *col. 4, lines 27-32; col. 5, lines 36-42; Fig. 4, steps 402-204; Fig. 2, items 234 and 207*), and registration request transmission means for sending a registration request of the radio zones where said mobile terminal is present now to said switchboard when said mobile terminal moves among the radio zones of said base stations (RF signals transmitted by the portable subscriber unit to the base stations comprise responses that include unscheduled messages, such as registration requests; *col. 3, lines 7-12*), and sends the position information for a predetermined period when the registration request is sent by said registration request transmission means (A request typing program for programming the processing system to send an inbound request such as a RF signal transmitted by the portable subscriber unit to the base stations that comprise responses such as registration requests, wherein said request typing program resides within the portable subscriber unit/mobile terminal memory; *col. 4, lines 14-17; col. 6, lines 18-28; Fig. 5 steps 504 thru 510*).

6. **Claims 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Pat. No. 6,198,931) in view of Kondou et al. (U.S Pat. No. 6,434,479), further in view of Bristow et al. (U.S. P.G.-Pub. 2002/0052191).

Regarding **claims 20-23**, and as each respectively applied to claims 3, 7, 11, and 16, Smith et al. in view of Kondou et al. disclose the aforementioned mobile communication system, incoming call blocking method, and switchboard, wherein said position information transmission unit transmits the position information of said mobile terminal to said switchboard when the moving speed of said mobile terminal is determined to exceed the predetermined threshold periodically. In addition Kondou et al. suggest wherein the frequency of reporting location information to the network is reduced based on the displacement of the user of the mobile terminal, thus alternating the periodicity of the transmission or reporting means based on mobile terminal user speed mobility (*col. 13, lines 40-59*).

Furthermore in the same field of endeavor, Bristow et al. disclose a method wherein position information of a mobile terminal is continuously transmitted within a time period starting from a first time when the moving speed of said mobile terminal is determined to exceed the predetermined threshold (Activating a speed monitor if the speed of the vehicle exceeds a speed threshold; *Table III, Page 6*), and ending at a second time when the moving speed of said mobile terminal is determined to not exceed the predetermined threshold (Wherein the speed of the vehicle is continuously monitored within a predetermined amount of time defined by an starting point when the speed is

exceed and ending when the speed drops below a predetermined threshold; *Table III, Page 6*), and wherein said position information transmission means transmits the position information periodically to said switchboard at all other times (Wherein periodic GPS monitoring initiates after the speed drops below the predetermined threshold (i.e. every 1 minute); *Table III, Page 6*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Smith et al. in view of Kondou et al. method for periodically transmitting position information to include alternating transmission means as taught by Bristow et al. for the purpose of adding functionality in the system by utilizing time dependent resources only when required.

Response to Arguments

7. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Thakker (U.S. Pat. No. 6,246,948), Wireless Intelligent Vehicle Speed Control or Monitoring System and Method.

9. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to:**

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

10. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

11. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q

June 10, 2004

RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
6/14/04